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MAY 30 2006

U.S. Patent Application No. 10/770,488

Attorney Docket No. 4849-081

Docket No.: 4849-081

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Declan REILLY

Confirmation No. 1940

U.S. Patent Application No. 10/770,488

Group Art Unit: 2873

Filed: February 4, 2004

Examiner: Brandi N. THOMAS

For: OPTICAL BEAM SPLITTER APPARATUS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

By Official Action mailed May 22, 2006 restriction to one of the following inventions is required under 35 USC 121:

- I. Claims 1-14, drawn to a beam splitter apparatus, classified in class 359, subclass 618.
- II. Claims 15-21, drawn to a method of controlling a beam, classified in class 359, subclass 636.

In response, Applicants hereby elect, with traverse, claims 15-21 for examination in this case.

The restriction is traversed for the reason that the method can only be practiced by the claimed apparatus and the claimed apparatus can only be used to practice the claimed method. As a result, the inventions are not separate and distinct. The Office Action implies that the method can be practiced with an apparatus other than that of the claimed apparatus and vice versa. However, no examples are cited in the Office Action to support such a bold statement. Consequently, early examination on the merits is courteously solicited.

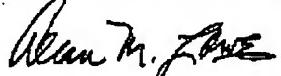
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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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CERTIFICATION OF FACSIMILE TRANSMISSION
I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE

ON THE DATE SHOWN BELOW

Tracy A. Luke
TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION
Tracy A. Luke 5-30-06
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